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FEB 08 2006

Director's Office  
Office of Patent Publication

In re Application of :  
WILLS, FRANK EUGENE, et al. :  
Application No. 10/788,723 : DECISION ON PETITION  
Filed: February 27, 2004 :  
Attorney Docket No. 20712-0062 :  
:

This is a decision on the Petition To Withdraw Holding Of Abandonment Under 37 CFR 1.181(a), received in the United States Patent & Trademark (USPTO) on January 20, 2006.

The petition is **DISMISSED**.

The above-identified application was held abandoned for Applicants failure to timely pay the issue fee and publication, as required in the Notice of Allowance mailed September 6, 2005. The Notice of Abandonment indicates that the submitted fee of \$1,400 is insufficient. A balance of \$300 is due. Issue fee required is \$1,400 and the publication fee is \$300.

The Office acknowledges receipt of PART B – FEE(S) TRANSMITTAL on November 18, 2005, authorizing that the Issue Fee, Publication Fee, and Advance Order Copies Fee be charged to Deposit Account No. 50-1059. Unfortunately, on November 18, 2005, when an attempt was made by the Office of Finance to charge such fees, there was insufficient funds in the Deposit Account to charge all the required fees—Publication fee of \$300.

37 CFR 1.25 (a) and (b), which states in part:

1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."

1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

- Under 37 CFR 1.137(a), a petition for the revival of an *unavoidably* abandoned application
  - Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application

Further inquiries with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

*By mail:* Mail Stop Petitions  
Commissioner for Patents  
Office of Petitions  
P O Box 1450  
Alexandria, VA 22313-1450

Telephone inquiries concerning this decision matter may be directed to the undersigned at 703 308-9250.

Thomas E. Darken

Thomas E. Hawkins  
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